

### **III. REMARKS**

#### **A. Status of the Claims**

Claims 1, 3-7 and 11-12, 14 and 16 are pending. Claims 23 and 24 have been cancelled.

The Examiner's indication that claim 6 is objected to for being dependent on a rejected base claim, but is otherwise allowable, is acknowledged with appreciation.

#### **B. Rejections under 35 U.S.C. § 102 (b)**

In the office Action, the Examiner indicated that claims 1, 3-4, 7, 11-12, 14 and 16 have been amended to obviate the prior art reference of Guryn et al. The Examiner further indicated that claims 23 and 24 did not overcome the Guryn et al. reference.

In response, claims 23 and 24 have been cancelled without prejudice.

#### **C. Withdrawal of Claims 1, 3-4, 7, 11-12 and 16**

In the Office Action, the Examiner indicated that claims 1, 3-4, 7, 11-12 and 16 have been withdrawn from consideration since they require further search and consideration in order to determine patentability.

It is respectfully submitted that the present final rejection should only be applicable to claims 23 and 24 which have now been cancelled. As the previous response overcame the rejections with respect to the Guryn reference, claims 1, 3-4, 7, 11-12 and 16 should have been allowed or subject to a further rejection. As neither was the case, it is respectfully submitted that prosecution should be reopened in the present application with respect to claims 1, 3-4, 7, 11-12 and 16.

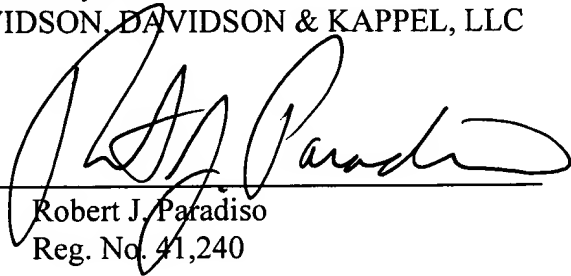
It is further submitted that requiring the submission of a Request for Continued Examination with respect to the further prosecution of claims 1, 3-4, 7, 11-12 and 16 would, in essence, have the effect of making the present final rejection applicable to these claims. Accordingly, the Examiner is respectfully requested to consider the patentability of the withdrawn claims in the present application.

**IV. CONCLUSION**

An early and favorable action on the merits is earnestly solicited. The Examiner is requested to contact the undersigned at the telephone number provided below if it is determined that any further issues remain.

Respectfully Submitted,  
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